8094163/2023/OP SEC-TRB01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Transport Department – Allegations of corruption and misconduct against Sri Mamidi Srinivas, Transport Constable O/o the RTA Check Post, Tetagunta (V) Tuni(M), East Godavari District under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Article of Charges – Issued.

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TRANSPORT ROADS & BUILDINGS (VIG-TR) DEPARTMENT

G.O. Rt. No.319 Dated:02/11/2023.

Read

G.O. Ms. No.60, Transport, Roads & Buildings (VIG-TR) Department, Dt.02/11/2023.

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ORDER :

1. It is proposed to hold common enquiry against Sri Mamidi Srinivas, Transport Constable and (5) others O/o the RTA Check Post, Tetagunta (V) Tuni(M), East Godavari District, Transport Department under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the G.O read above and in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (CC&A) Rules, 1991.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV) respectively.

3. Sri Mamidi Srinivas, Transport Constable O/o the RTA Check Post, Tetagunta (V) Tuni(M), East Godavari District is directed to submit, within ten days of the receipt of this order, a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Mamidi Srinivas, Transport Constable O/o the RTA Check Post, Tetagunta (V) Tuni(M), East Godavari District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri Mamidi Srinivas, Transport Constable O/o the RTA Check Post, Tetagunta (V) Tuni(M), East Godavari District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining

to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PRADYUMNA P.S.
SECRETARY TO GOVERNMENT

To
Sri Mamidi Srinivas, Transport Constable O/o the RTA Check Post, Tetagunta (V) Tuni(M), East Godavari District (w.e, Annexures-I to IV) **THROUGH** the Transport Commissioner, A.P., Vijayawada.
The Transport Commissioner, A.P., Vijayawada (2 copies - with a request to serve the order on the individual and send the served copy with dated signature to the Government)
Copy to:-
The Secretary to VC, APVC, A.P. Secretariat, Velagapudi.
The Director General, Anti Corruption Bureau, A.P., Vijayawada.
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE – I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI MAMIDI SRINIVAS, A/47 YEARS, TRANSPORT CONSTABLE, RTA CHECK POST, TETAGUNTA, TUNI MANDAL, KAKINADA DISTRICT (PREVIOUSLY EAST GODAVARI DISTRICT).

That Sri Mamidi Srinivas, A/47 years, Transport Constable, RTA Check Post, Tetagunta, Tuni Mandal, Kakinada District (Previously East Godavari District)from 01-02-2015 to till date of surprise check. While he was working as Transport Constable, RTA Check Post, Tetagunta, Kakinada District (Previously East Godavari District) has committed grave mis-conduct as much as.

Charge:

The Government Servant while working as Transport Constable at RTA check post, Tetagunta, Tuni Mandal has indulged in habitual corruption in the check post by assisting AMVIs in accepting illegal gratifications an amount of Rs. 70,840/- (Rs. 70,450/- was collection of illegal gratifications + Rs. 390/- was seized at kitchen room of the check post) voluntarily offered by the drivers/cleaners/owners of the vehicles passing through the check post.

Thus, the Government Servant by his above mentioned act has exhibited gross negligence, lack of devotion to duty and conduct unbecoming of Government servant and thereby contravened Rules 3(1) & 3(2) of A.P. Civil Service (Conduct) Rules 1964.

PRADYUMNA P.S.
SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE – II

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI MAMIDI SRINIVAS, A/47 YEARS, TRANSPORT CONSTABLE, RTA CHECK POST, TETAGUNTA, TUNI MANDAL, KAKINADA DISTRICT (PREVIOUSLY EAST GODAVARI DISTRICT).

Sri Mamidi Srinivas, A/47 years, Transport Constable, RTA Check Post, Tetagunta, Kakinada District (Previously East Godavari District) is native of Ashok Nagar, Kakinada, Kakinada district (previously East Godavari District). His date of birth is 30-03-1976. He joined in the Government service as Attender on 03-12-1998. Later he promoted as Transport constable 01-2-2007 and posted at the O/o District Transport Commissioner, Kakinada, East Godavari District. The Transport Commissioner, Kakinada was attached him to RTA check post, Tetagunta for 3 months (rotation basis) from 01-02-2015 upto 30-04-2015. His basic pay is Rs.11,530/- (7,960 - 23,650) as on 2015.He is due to retire on attaining the age of superannuation on 31.03.2038. He is here-in-after referred to as Government Servant.

Charge:

The Government Servant while working as Transport Constable at RTA check post, Tetagunta, Tuni Mandal has indulged in habitual corruption in the check post by assisting AMVIs in accepting illegal gratifications an amount of Rs. 70,840/- (Rs. 70,450/- was collection of illegal gratifications + Rs. 390/- was seized at kitchen room of the check post) voluntarily offered by the drivers/cleaners/owners of the vehicles passing through the check post.

Facts and Evidence:

The brief facts of the case are that on credible information that the officials and staff of Road Transport Authority Check post at Tetagunta Village, Tuni Mandal, E.G. District are indulging in corrupt practices by collecting illegal gratifications habitually by abusing their official positions directly and also through private persons from the vehicle drivers/cleaners/ owners passing through the check post, a surprise check was conducted on the Check post by the ACB officials on 24-03-2015 from 23.45 hrs to 04.00 hrs on 25-03-2015 in the presence of two mediators viz. 1) Sri Kakaraparthi Mallikarjun, S/o Haridas, 49 yrs, Asst. Engineer, A.P.S.H.C. Ltd., Kakinada, R/o D.No. 2-37/1, Rayudupalem, Kakinada-5, E.G.District 2) Sri Nelluri Venkateswara Rao, S/o Chitti, 50 yrs, Jr.Asst. O/o Project Director, A.P.S.H.C.Ltd., Kakinada, R/o D.No. 7-15-5., Darganagar, Peddapuram (M), E.G. district.

At the time of surprise check, 1. Sri Sireddy Gouri Shankar, S/o Late Satyanarayana Murthy, Asst. Motor Vehicle Inspector, R/O D.No.1-11/A, 2nd street, Ramarajunagar, Annavaram, E.G.District and 2) Sri Bokka Srinivas, S/o Narasimhamurthy, Asst. Motor Vehicle Inspector, R/o D.No.7-8, Totharamudipedapalem (V), Ainavalli (M), E.G.District were found in cabin of RTA check post, Tetagunta. The Government Servant was found in front of the check post point. Sri Aditya Vasa, S/o late Kishorebabu, Transport

constable, R/o D.No. 5-5/5, Valasapakala, Kakinada, E.G.District was found on the divider of the NH-16 road.

The Search party also noticed some crowd gathered just in front of the said cabin i.e., outside the building premises and submitting some documents to the uniformed persons.

The DSP along with other members of the search party surprised all the rooms, inside the check post building including men waiting room. On verification, the search party noticed some amount inside the table drawer in front of AMVI Sireddy Gouri Shankar, on questioning he stated that the said amount was collected by both the officers during the 3rd shift from the drivers/ cleaners as compound fee for the irregularities committed by them. At the instance of DSP one of the mediator Sri Kakaraparthi Mallikarjun received and counted the same and found to be Rs. 23,500/-. When compared the amount with that of vehicle check reports (VCRs) produced by both AMVIs found no variation.

The DSP verified the Personal Cash Register which is being maintained in the check post. On perusal the amounts declared by the officers and staff of the RTA check post are tallied with the cash found in their possession. Since no excess cash was found in their possession, the personal cash was returned to them under acknowledgment.

During the search of kitchen room of the check post an amount of Rs.390/- was found in a cover. When questioned to account for the amount both the AMVI's and transport Constables failed to account for the same. Hence the DSP seized the amount of Rs.390/- along with the cover.

Meanwhile the DSP instructed the third shift transport officials namely Sri S.Gouri Shankar, AMVI, Sri B.Srinivas, AMVI, the Government Servant, Sri Aditya Vasa to attend to their duties as usual by sitting at their respective counters. They did accordingly.

The DSP instructed Sri U.J.Wilson, Inspector and HC.1302 and one of the mediators Sri Nelluri Venkateswara Rao to sit along with the transport officials and observe the happenings at the counters. They observed that the crews of the transport vehicles passing through NH.16 road, stopping their vehicles at the check post, bringing the vehicle records to the check post counter and voluntarily producing the vehicle records before the transport officials along with cash ranging from Rs.50 to 1000/-. Which proves that corruption at the check post has been institutionalized. The DSP examined some of the drivers / cleaners who kept the amounts at counter of the check post and recorded their statements in the presence of mediators.

On examination the drivers/cleaners/owners about the payment of illegal gratification, they stated that they are regularly passing through the said check post and they became habituated to pay such illegal gratifications to the officials at the said check post due to fear of filing cases against them for no fault of them. To avoid such troubles, they have been paying the illegal gratifications ranging from Rs.50/- to Rs.1000/-.

The DSP verified the following registers:

1). Attendance Register of MVIs/AMVIs and transport Constables:

On perusal of Attendance register, it is noticed that 3 MVIs, 6 AMVIs are working at RTA Transport Tetagunta. Sri V.S.G. Tilak , MVI, who is the over all in- charge of the RTA check post and he signed in the attendance register upto 19-2-2015. Later it came to know that he was attached to Commissioner of Transport, A.P., Hyderabad on special duty from 20-2-2015. Sri K.Rambabu, M.V.I, incharge of 3rd shift on 24-3-2015 is absent without leave. Sri S.Gowrishankar, AMVI and Sri B.Srinivas, AMVI are on duty in the 3rd shift on 24-3-2015. Sri N.Siva Rama Krishna, MVI, K.S.N. Prasad, AMVI, Sri P.V.Ramana Rao, AMVI, Sri M.L.Siddik, AMVI, Sri M.Ravi Kumar, AMVI were on off duty. Transport Constables Sri V.Aditya and Sri M.Srinivas are on duty in the 3rd shift on 23-3-2015.

2) Vehicles movement Register (Both Inward and out ward):

On perusal of this register, reveals that it was consisting of 200 sheets out of which 63 sheets were used. The same is being maintained from 02-03-2015 in which particulars of the vehicles passing through the RTA Check Post, Tetagunta towards Rajahmundry and towards Visakhapatnam were entered in this Register. In Sheet No. 63 it was noted on 24-03-2015 from 8.00 PM to 25-3-2015 at 04.00 AM only 27 vehicles were passed through the RTA Check Post, Tetagunta.

3) Duty Chart of MVI's/AMVI's/ Transprot Constables for the month of March 2015:-

As per the duty chart on 24-03-2015 SriK.Rambabu, MVI was absent to 3rd shift duty on 24-3-2015. S.Gouri Shankar, AMVI, Sri B. Srinivas, AMVI and Transport Constables Sri M.Srinivasa Rao, K.Satyanarayana are to be on duty on 24-3-2015 3rd shift. But V.Aditya is on duty at the time surprise check since his duty was done by K.Satyanarayana TC on 24-3-2015 1st shift.

4) GENERAL CASH REGISTER:- Maintained up to date.

5) Leave Register:

Maintained, but the leave particulars alleged to be availed by Sri K.Rambabu, MVI incharge of 3rd shift on 24-3-2015 are not entered in this register. The register was seized by the DSP after duly attested by mediators.

6) Treasury Chitta Cash File: Maintained upto date.

7) Treasury Permit Register : Maintained up to date.

8) Check post visiting officers instructions Register :

The Register is maintained, but there are no entries in the register regarding visits made by senior officers. Though the present District Transport Commissioner joined in November-2014, he never visited the Check post officially so far and left instructions to the staff. The register was seized by the DSP after duly attested by mediators.

The DSP examined the Government Servant and stated that he has been working as Transport Constable at Tetagunta Check Post since 01-11-2014 on rotation basis. As usual he attended for duty at 8 PM on 24-03-2015 along with S.Gouri Shankar AMVI., B.Srinivas AMVI and Transport constable Sri Aditya Vasa. Further, stated that he is assisting to MVI and AMVIs in

stopping and sending the vehicle drivers into the check post for producing their records for verification.

During the surprise check from 11.30 hrs on 24-3-2015 to 04.00 on 25-3-2015 an amount of Rs. **70,450**/- was voluntarily offered by the drivers/cleaners of the vehicles passing through the check post at the counter of the check post. The DSP seized the said amount of Rs.**70,450**/- as it is illegal amount collected at the counters of the check post by the transport officials by misusing their official position.

The DSP questioned the AMVIs and Transport constables, about the collection of amounts from the drivers/cleaners of the vehicles. They kept silent for some time and later they categorically stated that the Drivers/Cleaners are voluntarily paying money without any demand to overlook their irregularities. When the DSP asked both the AMVIs and Transport Constables on duty at the Check post to offer their explanation for the irregularities noticed at the check post and about uninterrupted corrupt practices all of them kept mum and they did not offer any explanation.

Supervisory officer i.e., Sri A.Mohan, District Transport Commissioner, Kakinada failed to supervise the subordinates staff working under him in RTA check post in controlling prevailing habitual corruption in the check post and failed to inspect the check post periodically. During the course of enquiry, service particulars of the Government Servant were received from Sri A.Mohan, District Transport Commissioner, Kakinadavide letter No.8224/B-1/2015, dt. 30-03-2015.

"The enquiry revealed that the Government Servantwhile working as Transport Constable, RTA Check Post, Tetagunta in habitual corruption in the check post by assisting AMVIs in accepting illegal gratifications an amount of Rs. 70,840/- (Rs. 70,450/- was collection of illegal gratifications + Rs. 390/- was seized at kitchen room of the check post) voluntarily offered by the drivers/cleaners/owners of the vehicles passing through the check post and there by committed grave mis-conduct due to lack of devotion to duty, integrity.

As per the Oral evidence mentioned vide serial Nos- 1 to 8 in the Annexure-III and documentary evidence mentioned vide serial Nos- 1 to 5 in the Annexure No- IV establishes the above lapse exhibited by Government Servant.

Thus, the Government Servant by his above mentioned act has exhibited gross negligence, lack of devotion to duty and conduct unbecoming of Government servant also showed slack supervision and thereby contravened Rules 3(1) & 3(2) of A.P. Civil Service (Conduct) Rules 1964 and thereby the Government Servant rendered himself for Regular Departmental Enquiry for Major Penalty under Rule 20 of APCS (CC & A) Rules, 1991.

PRADYUMNA P.S.
SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE – III

LIST OF WITNESSES

1) Sri Kakaraparthi Mallikarjun, S/o Haridas, 49 yrs, Asst. Engineer, A.P.S.H.C.Ltd., Kakinada, R/o D.No. 2-37/1, Rayudupalem, Kakinada-5, Kakinada District, (previously E.G.District).

He is the mediator-1 and he speaks to the facts of Surprise check conducted at the RTA Check post, Tetagunta, Tuni(M), E.G.District on 24-3-2015 from 23.45 hrs to 04.00 hrs on 25-3-2015 in his presence and seizure of original records/ files, cash and his observations at the time of surprise check etc facts.

2)Sri Nelluri Venkateswara Rao, S/o Chitti, 50 yrs, Jr.Asst. O/o Project Director, A.P.S.H.C. Ltd., Kakinada, R/o D.No. 7-15-5., Darganagar, Peddapuram(V), East Godavari District

He is the mediator-2 and he will further corroborate all the material facts stated by the L.W-1 etc., facts,.

3) SriA.Mohan, Deputy Transport Commissioner, Kakinada, East Godavari District.

He speaks about the circulars with regard to the maintenance of RTA Check Post, duties and responsibilities of check post officers & staff and issuance of service particulars of Sri Mamidi Srinivas, Transport Constable of RTA check post etc facts.

4)Sri B.Rajsekhara Rao, District Inspector, Anti-Corruption Bureau, Rajahmundry Range, Rajahmundry, E.G.District.

He speaks about his participation along with other officers at the time of surprise check in RTA Check-post and his observations etc facts

5)Sri U.J. Wilson, Inspector, Anti-Corruption Bureau, Eluru Range, Eluru, West Godavari District.

He speaks about his participation along with other officers at the time of surprise check in RTA Check-post and his observations etc facts.

06) Sri K.Rajendra Rao, Dy.Supdt. of Police, Anti-Corruption Bureau, Eluru Range, Eluru., W.G.District.

He speaks about his participation along with other officers at the time of surprise check in RTA Check-post and his observations etc facts.

07) Sri P.Ramachandra Rao, Dy.Supdt. of Police, Anti-Corruption Bureau, Rajahmundry Range, Rajahmundry.

He speaks about conducting surprise check in RTA Check-post, Tetagunta and recording the statements of crew of transport vehicles, seizure of records and his enquiry etc. facts.

08) Sri. Y. Satish, Range Inspector, ACB, Rajamahendravaram Range, Rajamahendravaram.

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To speak about the facts of sending Draft Article of Charges against the Government Servants – 01 to 06 to the Head Office, ACB, A.P., Vijayawada and etc., facts.

Any other witness produced during the enquiry.

PRADYUMNA P.S.
SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE – IV

LIST OF DOCUMENTS

Sl No	NAME OF THE DOCUMENT
1.	Surprise Check Proceedings , dt: 24/25-03-2015 drafted at Road Transport Authority check post located at Tetagunta Village, Tuni(M), E.G. District.
2.	Officers and staff Attendance Register of R.T.A, Check-post, Tetagunta for the month of March-2015.
3.	MVIs Duty Chart for the month of March-2015.
4.	Letter.No.8224/B-1/2015, dt. 30-03-2014 of the Dy. Transport Commissioner, Kakinada, E.G. Dist.
5.	Statements of the 10 driver/cleaners, recorded in the presence of mediators. 1. Sri Inala Srinivasa Rao, S/o Rosayya, 36 yrs, Chinna Munagala village, Khamma dist, Driver of Lorry AP 20 TV 8838. 2. Sri Veesam Sombabu, S/o Narayana, 26 yrs, Gandhinagar, Indira Colony, Chebrolu, Cleaner of lorry AP 37 TB 9789. 3. Sri Talluri Kishor, S/o Pitchayya, 32 yrs, Yellandu (V), Ragaboina Gudem, Khammam District. Driver of lorry TS 03 UA 4699. 4. Sri Shaik Karimulla, S/o Sharief, 22 yrs, near Ring Road, Madhanapalli, Chittur District. Cleaner of lorry AP 0 21 W 1259. 5. Sri Mahammad Ali, S/o Irabam, 34 yrs, near Ganapathi Theatre, Pedda Mosque street, Nidadhavolu, W.G.Dist. Cleaner of Lorry AP 37 Y 4646. 6. Sri Nadagalla Srinivasa Rao, S/o Raju, 50 yrs, 6th line, K.L.Nagar, Vijayawada. Driver of lorry AP 24 Y 5599. 7. Sri Yekkanti Ramireddy, S/o Narayana Reddy, 28 yrs, Pedapalli (V), Karimnagar district. Driver of lorry AP 16 TY 5668. 8. Sri Pyla Ramana, S/o Pothuraju, 33 yrs, D.No.58-32, Pinaripalem, Narsipatnam, Visakhapatnam dist. Driver of lorry AP 31 X 1393. 9. Sri Panchakarla Nageswararao, S/o Sriramamurthy, 38 yrs, Ramalingeswara Nagar, Sai street, Krishnalanka, Vijayawada. Driver of lorry AP 16 TG 2451. 10. Sri Mudarthi Phaneedra Kumar, S/o Rambabu, 25 yrs, Karanamgari street, Biccavolu. Driver of lorry AP 05 TA 8909. Any other documents produced during the enquiry.

PRADYUMNA P.S.
SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER